

## REMARKS

Reconsideration and allowance are requested in view of the following discussion.

### I. The Removal of Rejections

Applicants note that the prior rejection of Claims 1-11, 16-21 and 25 under 35 U.S.C. 103(a), as being unpatentable over Boeckeler et al. U.S. Patent No. 5,369,139, is expressly withdrawn.

### II. The Objection to Claims 13 and 15

Under 37 C.F.R. 1.75(c), the Examiner has objected to Claims 13 and 15 as being of improper dependent form for failing to further limit the subject matter of a previous claim. This objection is traversed for the following reasons.

Claim 13 is dependent upon Claim 12 which states that the unsaturated polyester **is at least partially derived** from an epoxy allyl ether or a hydroxyl-functionalized allyl ether. Claim 13 states that the epoxy allyl ether or the hydroxyl-functionalized allyl ether **is used in an amount** up to about 30 percent, by weight. The use of either allyl ether is required under the language of Claim 12, and the language of Claim 13 states an upper limit for use of either allyl ether. Therefore, the language of Claim 13 does not include the lower limit of 0 weight percent.

Accordingly, Claim 13 does further limit the subject matter of Claim 12.

Claim 14 and dependent Claim 15 state the same language as emphasized above, but refer instead to an epoxy functionalized (meth)acrylate. Therefore, the same reasoning as set forth above will also establish that the language of Claim 15 does not include the lower limit of 0 weight percent.

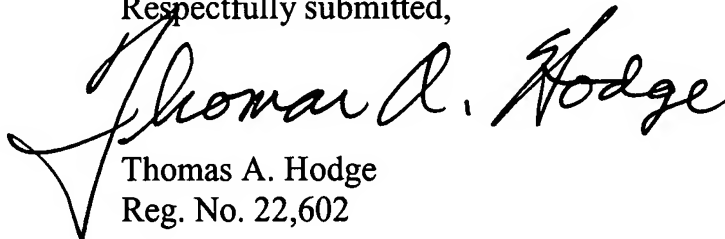
Accordingly, Claim 15 does further limit the subject matter of Claim 14.

### III. Double Patenting

The Examiner has maintained the provisional rejection of Claims 1-21 and 25 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-24 of copending U.S. Application Serial No. 10/440,610, as no Terminal Disclaimer has been filed. In response, a Terminal Disclaimer is enclosed, together with a check for the filing fee of \$130.00.

Based upon the above reasoning, taken together with the enclosed Terminal Disclaimer, applicants submit that this application is in condition for allowance, which action is requested.

Respectfully submitted,



Thomas A. Hodge  
Reg. No. 22,602

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC  
Six Concourse Parkway, Suite 3100  
Atlanta, GA 30328  
(678) 406-8700  
Attorney Docket No. 2785989-000082